

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>August 7, 2017</u>
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COMMERCIAL BANK OF DUBAI,

Petitioner,

v.

ALISHAEV BROTHERS, INC., ALISHAEV
JEWELRY REFINING CORP., DANIELA
DIAMONDS, JACOB & CO., JACOB ARABO,
and MADISON AVENUE DIAMONDS,

Respondents.
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17 Misc. 221 (KPF)

ORDER GRANTING
APPLICATION FOR
DISCOVERY
ASSISTANCE
UNDER 28 U.S.C.
§ 1782

KATHERINE POLK FAILLA, District Judge:

THIS MATTER came before the Court pursuant to an Application for Discovery Assistance with Respect to Foreign Legal Proceedings (the “Application”), by COMMERCIAL BANK OF DUBAI (“CBD” or “Petitioner”), under 28 U.S.C. § 1782. The Court has reviewed the Application, as well as Petitioner’s supporting memorandum and the exhibits thereto. It has also considered 28 U.S.C. § 1782, the statutory and discretionary factors associated therewith, and the relevant case law. *See, e.g., Certain Funds, Accounts &/or Inv. Vehicles v. KPMG, L.L.P.*, 798 F.3d 113, 114-15 (2d Cir. 2015); *Mees v. Buiter*, 793 F.3d 291, 302 (2d Cir. 2015). After concluding that these factors support the granting of Petitioner’s request, the Court hereby ORDERS and ADJUDGES as follows:

1. Petitioner’s Application for discovery from Alishaev Brothers, Inc., Alishaev Jewelry Refining Corp., Daniela Diamonds, Jacob & Co., Jacob

Arabo, and Madison Avenue Diamonds (the “Respondents”) pursuant to 28 U.S.C. § 1782 is GRANTED.

2. Petitioner is authorized, pursuant to 28 U.S.C. § 1782, to take discovery from the Respondents, relating to documents and information identified in the Application, including (a) issuing subpoenas for the production of documents by Respondents in the forms attached as Exhibits A to F to CBD’s Petition; and (b) issuing subpoenas for testimony by Respondents in the forms attached as Exhibits G to L to CBD’s Petition;
3. The Respondents are directed to comply with such subpoenas in accordance with the Federal Rules of Civil Procedure;
4. Counsel for CBD is appointed to issue, sign, and serve such subpoenas upon the Respondent in accordance with the Federal Rules of Civil Procedure and the Rules of this Court, and testimony in this matter may be taken before any certified court reporter authorized to take testimony and administer oaths;
5. The Court shall retain jurisdiction over this matter for the purpose of enforcing this Order and assessing any supplemental request for discovery assistance that may be requested by the Petitioner; and
6. This Order is without prejudice to any objections Respondents may have to the Section 1782 demand for discovery.

SO ORDERED.

Dated: August 7, 2017
New York, New York



KATHERINE POLK FAILLA
United States District Judge